

Chapter 184
WATER

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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 5-21-1987 by L.L. No. 7-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 147.

ARTICLE I
General Provisions

§ 184-1. Title.

This chapter shall be known and may be cited as the “Water Use Law of the Village of Sodus Point.”

§ 184-2. General intent.

The provisions of the chapter and all regulations and specifications promulgated thereunder it shall be considered as part of the contract between the village and every person who takes water supplied by the village. Every person using this service shall be bound by this contract, including those using water on a renewable contract base, in which case the contract may stipulate any conditions that are exceptions to this chapter.

§ 184-3. Definitions.

When used in this chapter, unless otherwise expressly stated, or otherwise the context or subject matter requires, the following terms shall have the meanings indicated:

BOARD OF TRUSTEES — The Board of Trustees of the Village of Sodus Point, Wayne County, New York.

CROSS-CONNECTION — Any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

CUSTOMER — The person responsible for payment of charges for water or other facilities and services.

PERSON — An individual, firm, association or corporation, either public or private.

PUBLIC PLACES — All real property included within the boundaries or limits of any highway, street, road or lane, park or other open or improved area, used or frequented by the public generally, whether or not the ownership is held by the Village of Sodus Point.

SERVICE CONNECTIONS — The tap or connection to the main, corporation stop, curb box, curb stop and sufficient tubing or pipe to connect the corporation stop to the curb box.

SUPERINTENDENT — The Superintendent of Water or his duly authorized representative.

VILLAGE — The Village of Sodus Point, Wayne County, New York.

WATER SYSTEM — The entire system of pipes, valves, buildings, reservoirs, plants and other facilities owned by the Village of Sodus Point and used for the supply, treatment, storage and transmission of water.

ARTICLE II Applications

§ 184-4. Application for use of system.

No person shall uncover, make any connections to, use, alter or disturb any portion of the water system without an approved application.

§ 184-5. Form and consent.

All applications for new service connections must be made in writing to the Superintendent by the proposed customer using such forms as provided by the Superintendent. If the proposed customer is not the owner of the premises, the written consent of the owner must accompany the application. Where more than one building or tenant is supplied through one service connection, the application shall be made by one person who shall be the customer responsible for all water supplied through the service connection. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. Applications may be denied by the Superintendent for failure to fully comply with the laws of the village or the regulations and specifications adopted under those laws or if the approval of the application is not in the best interests of the village.

§ 184-6. Water main extensions.

Applications for the extension of public mains may be initiated by the Board of Trustees or by petition from the abutting property owners. The Board of Trustees reserves the right to refuse all petitions for extensions of mains where the estimated water rents will not warrant the cost of installation.

§ 184-7. Application to be concurrent with building permit.

When appropriate, it is required that application for the installation of new water service or for temporary water service be made concurrently with application for a building permit in order to facilitate any necessary inspections and service installations by the Superintendent. Approval of applications shall be valid for a period of up to one year.

ARTICLE III
Installation and Maintenance of Service

§ 184-8. Advance payment of fees.

At the time application is made for water service, the costs of installation shall be paid in accordance with the rates established pursuant to this chapter. A previously abandoned service connection may be used in connection with new buildings only when it is found, upon examination and testing by the Superintendent, to meet the requirements established by the village. A separate connection fee shall be paid for each separate use; provided, however, that where a separate use is to be supplied from a preexisting pipe, the connection fee shall be reduced 50%.

§ 184-9. Village-owned portion of service.

The village shall furnish and install and at all times remain the owner of meters, corporation cock, gooseneck, curb box, curb cock and pipe from main to curblin. All costs and expenses incidental to the installation and connection of the service connection, including opening and closing of trenches, shall be borne by the customer.

§ 184-10. Easements.

It is the responsibility of the customer to provide, where necessary, easements at his own expense for all water installations made by the Superintendent.

§ 184-11. Liability.

Neither the Superintendent nor the village, its officers and employees shall be held liable for any damage that may occur as a result of maintaining or replacing any part of the village-owned service.

§ 184-12. Responsibility of customer.

The customer to be serviced shall be responsible for the installation and maintenance of service pipes and fixtures between the curb box and the meter. Service pipes will be required to be laid not less than 4½ feet below the surface of the earth at any point to the inside of the foundation wall of the building into which the water service is introduced. In the event that the final grade of the street or sidewalk has been officially determined and established, then the service pipe shall be laid at a depth of not less than 4½ feet below said established grade at all points, so that when the street and walk are graded there shall not be less than 4½ feet covering of each over any point. Where it is impracticable to install the service pipe at a depth of 4½ feet or more, the Superintendent may approve a lesser footage; provided, however, such approval shall not lessen the customer's obligation to protect his service pipes and meter from freezing. The size, alignment, materials of construction and methods to be used in placing the pipe, jointing, testing and backfilling shall be approved by the Superintendent. The customer shall be required to maintain in perfect order, at his expense, the service pipe from the curb cock to his premises,

including all fixtures provided for the transmission of water. Immediately inside the foundation wall of a building into which a service pipe extends, a stop and waste cock shall be conveniently located and arranged so that plumbing inside the building can be drained. All pipes must be so arranged that they will empty when the waste cock is open. The customer shall be responsible for the protection of his service pipes and the meter from freezing.

§ 184-13. Inspection.

Before the building service is covered, it must have been inspected and approved by the Superintendent. Before the meter is installed and the water service activated, all parts of the service that are the responsibility of the customer shall be again subject to inspection and approval of the Superintendent. Upon either inspection, the customer will be notified as to any necessary repairs to be made before metered service will be granted.

§ 184-14. Excavations.

In the opening of a street or public grounds for the introduction of any water, service pipe or connection under authorization from the Superintendent, the customer shall be responsible for protecting the public and public property from hazard or damage. All excavations shall be adequately guarded with barricades and lights, and public safety and convenience duly regarded and conserved. Streets, sidewalks, parkways and other property disturbed in the course of work shall be restored in a manner satisfactory to the Superintendent.

§ 184-15. Repair of service.

Failure on the part of the customer to immediately notify the Superintendent of any defective or broken part of the service for which the customer is responsible or to repair or replace immediately any defective part of the service that is his responsibility may result in the suspension of water service until repairs and replacements that meet with the Superintendent's approval have been made.

**ARTICLE IV
Meters**

§ 184-16. Rental of meters; charge.

All meters will be furnished, owned and installed by or under the direction of the Superintendent, and shall be subject to his exclusive control and jurisdiction. Meters shall be rented to the customer, but title to all meters so furnished shall remain in the Village of Sodus Point. A rental charge shall be established by resolution of the Board of Trustees, but in no event shall be more than the then-current cost to the village for such meters.

§ 184-17. Superintendent responsible for maintenance.

The Superintendent will be responsible for installing and maintaining all meters and for replacing meters that have become inoperable through ordinary wear and tear. Only the Superintendent, or one acting under his direction, shall open, adjust or otherwise disturb any meter. Damage to meters that is the result of an insecure location or of the negligence or carelessness on the part of the owner, occupant, tenant or others, such as failure to protect against damage from freezing, hot water or steam, will be rectified by the Superintendent at the expense of the property owner. In the event of damage chargeable to the property owner, the Superintendent may discontinue the supply of water without notice, and in addition, provide at the expense of the property owner a meter vault and meter at the curblineline or other convenient location between the main and the building on the premises.

§ 184-18. Location of meter.

Wherever a meter is to be installed, a suitable place must be provided by the customer, which must be free from frost, above groundwater and accessible at all times and properly safeguarded. If it is impracticable to place a meter where it will be free from frost, the customer must provide, at his expense, suitable boxing and packing for the meter to prevent damage from freezing.

§ 184-19. Testing.

The Superintendent may remove and test any or all meters at his discretion in order to maintain the accuracy of the meter. Customers may request the removal of a meter for testing upon payment of a fee established therefor.

§ 184-20. Meter seal.

If disturbance of the meter seal is noted, the Superintendent shall be immediately notified. If the meter seal is broken while the meter is in service and such immediate notice is not given, the customer shall be charged for water service a sum equal to the amount paid for said service in the same quarter of the previous year, as well as a penalty of 10% of said sum. Said penalty shall not relieve the customer of repair or replacement charges otherwise imposed in § 184-17 of this chapter.

§ 184-21. Remote reading registers.

The Superintendent may place remote reading registers on any service as an integral part of the meter installation.

§ 184-22. Accessibility.

The Superintendent, or any person acting under his direction, shall have access to meters, as well as all aspects of the water service, at all reasonable hours for purposes of reading, inspecting or service repairs.

§ 184-23. Liability.

Neither the Superintendent nor the village, its officers and employees shall be responsible for damage or injury caused by drainage of water in connection with the testing, repairing or removal of any meter. In addition, they shall not be responsible for any damage to property caused by a defectively functioning meter.

**ARTICLE V
Water Supply****§ 184-24. Right to control supply.**

- A. The village and its Superintendent may, in relation to any or all customers, shut off the water, restrict the supply or change the water reserve, if necessary, without notice, whenever it is deemed necessary for extensions, alterations, repairs or in case of emergency conditions. Water service to premises outside the corporate limits may be discontinued at any time.
- B. Whenever possible, notification of any change in water supply will be given in advance by the Superintendent, but in any event, neither the Superintendent nor the village, its officers and employees, shall be liable for any damage or injury that may occur as a result of a change in supply, as may result from any cause. There shall be no deduction from water billings as a result of temporary termination or reduction in service.
- C. Customers using apparatus depending on the village water supply, including but not limited to range and steam boilers, are advised to take precautions against damage when the village water supply is altered and that Subsection B of this section applies to such situations as well. All house and other boilers shall be fitted with suitable check valves to prevent damage or injury from collapse or other malfunction in the event of an alteration in water supply.

§ 184-25. Supply to construction sites.

Upon application, to coincide with the application for a building permit, temporary water service may be supplied to builders, contractors and others upon such terms and conditions, including charges therefor, as the Board of Trustees by resolution may prescribe.

§ 184-26. Outside users.

This chapter shall not apply to or preclude the making of any contract between the village and any other municipal corporation or water district for the sale of water to such other municipal corporation or water district.

ARTICLE VI
Prohibitions

§ 184-27. Waste of water.

No customer shall willfully waste water either through leakage due to imperfect service pipes or fixtures or in any other manner. Taps at sinks, wash basins, water closets, baths, urinals, sprinklers and other uses must be kept closed without leakage when not in actual use. The Superintendent may terminate water service until the customer repairs the defect.

§ 184-28. Use of water.

No customer supplied with water shall supply water to other customers or to sell water whether through a separate meter or not. No multiple-customer service shall be permitted on the same property except where each customer is provided with a separate meter.

§ 184-29. Cross-connections.

No person shall install or permit to be installed any cross-connection, whether permanent or temporary. Protection against such cross-connections shall be as required by state law or regulation and by any such other regulation adopted by the Board of Trustees. In addition to any other penalties, service to any customer violating this prohibition may be discontinued by the Superintendent and not restored until the violation is corrected.

§ 184-30. Fire hydrants.

All hydrants owned by the Village of Sodus Point are under the jurisdiction of the Superintendent and shall not be opened or used for any purpose other than extinguishing fires, periodic drills or periodic tests of the fire protection system by the Sodus Point Fire Department unless specifically approved by the Superintendent in writing.

ARTICLE VII
Bills and Charges

§ 184-31. Turning water service on or off.

Except as may be otherwise resolved by the Board of Trustees, no person without the prior authorization of the Superintendent shall turn on or off the water to any premises.

§ 184-32. Rates.

Rates for the use of water and charges for installation of additional meters, discontinuance of water service, reestablishment of discontinued water service, penalties and for such other special services as may be established shall be as set, from time to time, by the Board of Trustees.

§ 184-33. Discontinuance or reinstatement of service.

Any customer may order discontinuance or reinstatement of water service by notifying the Superintendent. The Board of Trustees shall by resolution establish fees for discontinuance or reinstatement of water service. The owner of the property shall be responsible for any charges for water consumption up to the final meter reading as well as any charges for discontinuance of service if left unpaid by a customer.

§ 184-34. Separate uses.

- A. Except as provided in Subsection B, the customer shall be required to pay a separate and full scale of water rates for each separate use of water on his premises. The following services shall be considered separate uses:
- (1) Each one-family residence, occupied or unoccupied, which shall include studio apartments, mobile homes, and the like, whether in a single structure or part of a single structure. Each two-family house, apartment or multiple dwelling shall consist of one rental unit for each living quarter equipped with separate toilet facilities and separate kitchen or kitchenette.
 - (2) Each business, commercial, fraternal, governmental, service or other similar use carried on in a building or group of buildings under the ownership, domination or control of a single person.
 - (3) Each portion of any premises occupied by a separate business, commercial, fraternal, governmental, service or other enterprise using and maintaining water facilities to the practical exclusion of other occupants of the premises.
- B. The Board of Trustees may, upon written application, by resolution waive the requirements for separate metering of separate services if the Board finds such requirement to work unnecessary hardship and unusual expense. In such case, the customer shall nevertheless pay in addition to the established gallonage rate the minimum rate for each separate service multiplied by the number of unmetered separate services. All existing services shall be deemed to have the privilege hereby accorded, unless and until the customer or the Superintendent shall request a review of facts and circumstances, whereupon the Board shall by resolution make a determination for or against the installation of separate metering.

§ 184-35. Liability for charges.

The property owner shall be held responsible for water rental charges or any other charges relating to water service held against the property unless paid by the customer.

§ 184-36. Payment.

Charges for water supplied in each calendar quarter year shall be due and payable on the first day of the calendar month next succeeding the last calendar month in such calendar quarter

year. There shall be added to any charges remaining unpaid for 30 days or longer a penalty of 10% of the amount due.

§ 184-37. Estimated bills.

In cases where a reading cannot be obtained, an estimated bill will be rendered to the customer based upon average usage in a corresponding period. In the event that a reading cannot be obtained for a period of nine months, the Superintendent reserves the right to suspend the water service until such time as accurate billing is made possible through a reading of the meter, and all service charges for suspending and reinstating the water service have been paid to the village.

§ 184-38. Inability to obtain final reading.

If a customer has requested a final reading of his meter or a final reading of the meter plus a discontinuance of service and the Board is unable to gain entry to the property for such purpose, an additional service charge will be made. This charge will be effected only after notification of the property owner who is obliged to make the premises available to the Board for a final reading. If this is not done, for each additional service call made necessary through the inability of the Board to gain entry to a property, a charge will be made as set by the Board.

**ARTICLE VIII
Enforcement and Penalties**

§ 184-39. Stop orders.

If the Superintendent shall find any conditions to exist which create a hazard or danger to the health of the community or the neighboring properties, he shall determine the cause thereof and shall issue such stop orders or directives to the person or persons causing such situation as he shall determine necessary, and he shall immediately report such conditions to the village which shall take such action as it deems appropriate. The failure of any person to comply with a lawfully issued stop order or directive of the Superintendent or village hereunder shall constitute a violation of this chapter.

§ 184-40. Civil action.

Any person violating any provision of this chapter shall be responsible in money damages for any injury to the water system or expense caused the village by such violation. This money may be collected by civil action in any court of competent jurisdiction. Obedience to this chapter may also be enforced by injunction.

§ 184-41. Penalties for offenses.

Any person violating any provisions of this chapter and interfering with, entering or using said water system without obtaining permission hereunder shall be guilty of an offense and subject

to a fine of not less than \$50 nor more than \$100 or to imprisonment of not less than one day nor more than six months, or both such fine and imprisonment and in addition, when a violation of this chapter or any of the provisions thereof is continuous, each 24 hours thereof shall constitute a separate, distinct and additional violation.

§ 184-42. Vandalism.

The malicious, willful or negligent breaking, damaging, destruction, uncovering, defacing or tampering with any structure, appurtenance or equipment which is part of the water system shall be a violation of this chapter and any person violating this section shall be subject to the fines herein provided, and shall be liable for any damage or loss suffered by the village arising therefrom.

